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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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WEEK IN REVIEW

HOUSE

elections

Representatives set 12:00 noon Wednesday, May 29 to choose two seats on the Consumer Affairs Commission.

conference committee appointed

Representatives Ron Fulmer, Steve Lanford, and Pat Harris were appointed to the conference committee for S. 1081. The bill authorizes the withholding of state funds from local governments which are delinquent in paying premiums to the state health and dental insurance plans. Conferees to S. 1101 are Representatives Bubba Cromer, Heyward Hutson, and Ron Fleming. The bill requires that members of voter registration boards, and election and registration commissions complete training and pass an examination by the State Election Commission within eighteen months after election. The bill also changes appointment procedures for poll managers and clerks.

concurrence in Senate amendments, to be ratified

H. 3746 authorizes muzzleloader hunts in Game Zone 2. The Senate amendment specified which counties would be affected by the legislation.

nonconcurrence in Senate amendments, amended, returned to the Senate for concurrence

H. 3320 enacts the "South Carolina Personal Watercraft and Boating Safety Act of 1996." The bill provides that a person under sixteen years old may operate a jet ski only if he has completed a water safety program, or is accompanied by someone eighteen years old or older. Jet skis may not be operated between sunset and sunrise. Also, a jet ski is prohibited from jumping a wake within two hundred feet of another watercraft. Anyone on a jet ski must wear a life preserver, and no one may be towed by a jet ski. Violations are misdemeanors punishable by a fine of fifty to three hundred dollars (\$50-\$300).

received third reading, to be ratified

S. 273 provides a property tax exemption to the spouse of a law enforcement officer killed while on duty. S. 1190 provides the Spoleto USA Festival with an additional year to repay the \$400,000 balance on its loan, effectively lowering the payment due as well. Spoleto was loaned

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\$600,000 from remaining funds left from a loan to the City of Charleston on behalf of the Patriot's Point Development Authority. The loan was to have been repaid in three equal installments of \$200,000 over the next three years. One payment was made; however, a budget shortfall prompted this proposed legislation for an extension on repayment. The joint resolution authorizes Spoleto to repay the \$400,000 balance in three equal payments over the next three years, with the first payment due June 30, 1997. S. 1217 approves a regulation of the Department of Education governing the African-American Teacher Loan Program. The purpose of this program is to attract more African-American men into teaching to serve as role models for children. To receive a loan from this program, an African-American man must be a resident of South Carolina, be enrolled or accepted at a participating higher education institution, agree to teach in an area of critical need or shortage of African-American male teachers, and be eligible for teacher certification. S. 1252 reauthorizes the Scenic Highways Commission in light of its sunset review.

received third reading, amended, returned to the Senate for concurrence

S. 1117 enacts the "Public School Facilities Assistance Act." The proposed legislation distributes \$70 million dollars of school construction and renovation revenue collected from the disposal of low level radioactive waste in the state. Senators adopted a distribution formula based fifty per cent on a school district's need for projects, twenty-five per cent on effort to meet this need for themselves during the prior five years, and twenty-five per cent on a district's wealth as reflected in the Education Finance Act (EFA) funding formula. The House amended the bill to provide for a different funding formula based sixty per cent on the number of students in the district and forty per cent on the district's wealth as reflected in the EFA formula. S. 1315 revises the South Carolina/Georgia border based on North American Datum 1927. Representatives amended the bill to provide that 1996 candidates for sheriff do not have to submit a fingerprint review until forty-five days before the election in November, since many candidates were unaware of this requirement.

received third reading, sent to the Senate

H. 4012 establishes a special thirty dollar (\$30) license decal for intrastate logging trucks, and specifies acceptable load lengths. H. 4372 provides civil action for injunction relief and monetary damages when the release of reserved water damages property. H. 4392 enacts the "Osteoporosis Prevention and Treatment Act." The bill creates a fund to promote public awareness, prevention, and treatment of osteoporosis. H. 4431 establishes a special weighting in the Education Finance Act (EFA) formula to provide additional funding for the needs of autistic students. H. 4443 enacts the "South Carolina Charter School Act." The bill authorizes establishment of district-wide schools which are freed from certain state regulations. The measure permits these schools to be dedicated to specialized academic areas, and to hire unlicensed teachers. A similar measure was reported favorably by a Senate Education subcommittee last week too. H. 4469 enacts the "South Carolina Effective Death Penalty Act of 1996." The bill limits the appeals process and empowers the governor to set execution dates rather than the state Supreme Court. Deadlines would be set for filing post-conviction death penalty relief appeals. Prosecutors would have thirty days to answer an appeal rather than the current ninety days.

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Fifteen days later, a status conference would have to be held. A hearing would be scheduled forty-five days after the conference, with a judge's ruling required within thirty days of the hearing. H. 4502 prohibits same-sex marriages, and provides that such marriages performed in another state will not be recognized in South Carolina. The measure was introduced in response to the Hawaiian Supreme Court indicating that it might recognize such marriages there. H. 4541 increases the fine for desecrating human remains or graves from two thousand dollars (\$2,000) to five thousand dollars (\$5,000). H. 4584 makes it unlawful to disturb or remove monuments or memorials for war veterans. Violations are considered misdemeanors punishable by a fine of not more than five thousand dollars (\$5,000), a sentence of no more than one year, or both. H. 4589 increases the maximum penalty for a driver's failure to stop when involved in an accident causing injury or death. Rather than the current sentence of thirty days to one year, violators could face up to fifteen years in prison. H. 4637 defines the mission of higher education in South Carolina, and requires accountability from these institutions. The bill also provides the Commission on Higher Education with regulatory authority for the first time. The Commission is authorized to close institutions which do not meet standards, and to eliminate programs where duplication is unnecessary. The measure establishes critical success factors for academic quality, and prescribes performance indicators to measure these factors. In addition, it revises the method of determining budgets of higher education institutions, and bases those budgets in part on achievement of standards rather than the number of students served. H. 4677 requires a boxer to have a physician's certificate stating the boxer is free of AIDS or HIV. The bill also requires that a physician must be present at all boxing matches to certify that boxers do not have AIDS or HIV. H. 4702 enacts the "Alzheimer's Special Care Disclosure Act." The measure requires that a facility which offers special care units or programs for Alzheimer's patients must provide clients with specific information about the suitability of those programs in meeting patients' needs. H. 4706 enacts the "Rural Development Act of 1996." The proposed legislation revises the "Enterprise Zone Act" passed last year, and the "Economic Development Industrial Cluster Act." adopted earlier this year. It divides counties into a four tier system, giving greater tax breaks to industries locating in least developed and underdeveloped counties which are usually rural. Industries with major investments could negotiate with local governments for lower property taxes, so that they may pay three per cent rather than the current six per cent for a period of thirty years rather than the current twenty years. H. 4717 defines "structural fill" and restricts local governments from regulating these facilities. Also, the measure authorizes the Department of Health and Environmental Control (DHEC) to issue permits for short term structural fills operating less than twelve months. H. 4746 allows institutions of higher learning to establish holidays which are different from the state-observed holidays, provided that the number of holidays does not exceed the total provided by the state. H. 4812 provides that neither chamber of the General Assembly may adjourn for more than seven days, rather than the current limit of three days, without permission from the other body. The bill also deletes the requirement that there be no messages from the Governor nor any legislation on the calendar in order to adjourn. H. 4865 revises insurance premium rates for coastal areas based on ninety per cent of rates approved for the South Carolina Wind and Hail Underwriting Association. H. 4949 authorizes shrimping by coastal property owners from docks which they own that are adjacent to their property. H. 4957 provides for the issuance of "Public Education: A Great Investment" license plates. These two year tags would cost fifty-four dollars (\$54). Twenty dollars (\$20) of the fee would be applied toward buying computers for classrooms. The other thirty-four dollars (\$34) would be sent to local school districts, which would determine how the money could be spent best. H. 4963 authorizes

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distribution of special telecommunications equipment to provide access to hearing or speech impaired South Carolinians. Fees for this program are being collected now on all residential and business local telephone service. H. 4965 approves regulations of the Department of Education concerning higher education tuition rates. The regulations clarify application of residency statutes, providing institutions with fair and equitable standards. In light of several recent incidents, H. 4976 provides an additional penalty for burning a church. In cases where there is no death or serious injury, a violator would be guilty of arson in the first degree, and must be fined ten thousand dollars (\$10,000) and imprisoned not more than ten years.

concurrent resolution adopted

Representatives approved S. 1351 which urges the federal Environmental Protection Agency (EPA) to adopt a reasonable and achievable standard for the ambient air quality standard for ozone. The concurrent resolution also requests that the EPA identify related unfunded mandates to state and local governments.

concurrent resolution adopted, sent to the Senate for consideration

H. 4414 directs the State Department of Education to study innovative school scheduling and timetables, such as flexible hours, year round school, and block schedules. The purpose of this action is to allow districts greater flexibility in using revenue to best meet district needs. While this proposal carries no legal authority, it does reflect the attitude of legislators. H. 4635 memorializes Congress to enact laws restraining the amount of violence, drugs, sex, and inappropriate language and behavior on television.

received second reading

S. 1122 extends through July 1, 1996 the deadline for applying for agricultural use valuation for property tax year 1995. H. 4522 prohibits the clerk of court from charging a fee for filing a petition for an order of protection from domestic abuse. The bill also provides that no mutual order of protection may be granted unless both parties consent or the court believes there is need for such an order. H. 4545, concerning an electric utility's costs, requires the Public Service Commission (PSC) to review and set fuel costs which may be recovered from customers. These reviews would be done every twelve months rather than every six months as is done currently. The bill allows a utility to include sulfur dioxide emission allowances as part of fuel costs rather than capital costs, and makes clear that a utility is allowed to include purchased power in fuel costs. Also, an electric utility operating a nuclear power plant at ninety per cent net capacity would be required to make every reasonable effort to minimize the cost of operating the facility. H. 4670, relating to unlawful neglect of children and helpless persons, expands the categories of persons caring for children and helpless persons to include persons living in the caretakers' homes and/or having recurring access. Also included are those who have been given responsibility for supervision of children or helpless persons.

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tabled

H. 4404 provided for county governments to remove county veteran's affairs officers, subject to the approval of the majority of that county legislative delegation. However, the county legislative delegation may resume this responsibility when the term of the county veteran's Affairs officer becomes vacant.

recommitted

H. 4492 enacts local government tax caps. The bill was recommitted to the House Judiciary Committee in light of passage of **H. 3901** which is in conference currently. **H. 4498** prohibits trespassing upon railroad tracks. Violators would be guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. Earlier the House had voted to continue the proposed legislation. However, last week representatives reconsidered that vote and recommitted the measure to the House Judiciary Committee. A similar measure, **S. 704**, was passed by the Senate last week and sent to the House for consideration.

placed on the contested calendar

Last week representatives objected to several bills and placed these measures on the contested calendar for second reading last week. **S. 949** provides students with a fourth opportunity to pass the Education Entrance Exam (EEE) this year. The House version of this joint resolution, **H. 4453**, also was contested last week. **H. 4343** provides for a referendum allowing voters to determine whether to abolish the Office of Secretary of State. Duties of this office would be divided among other state constitutional offices and state agencies. The ministerial duties would be vested in the Governor's Office. The Department of Commerce would take care of chartering corporations and registering trademarks. Election activities would become part of the State Election Commission, while regulation of charities would rest with the Attorney General's Office as well as duties related to service of process for out of state corporations. Savings are estimated to be \$300,000. **H. 4624** authorizes open burning of yard debris only under certain conditions. Also, campfires are permitted only for recreational purposes or to keep warm. **H. 4785** conforms the organization and operation of the board of veterinarians with boards of other professions. **H. 4651** provides that live animals may not be given away as prizes or used to entice entrance in a game or contest. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine of up to three hundred dollars (\$300), a sentence of up to thirty days, or both. However, the proposed legislation would not affect the raffling of animals. **H. 4810**, concerning entrapment, would prohibit underage undercover agents from attempting to purchase beer and wine, or alcohol from an establishment unless there is documentation of at least two instances in which the establishment sold these beverages to minors. **H. 4818** provides for a child to be placed in a secure juvenile detention facility when there is no suitable alternative placement, and it is determined that detention is in the child's best interest or is necessary to protect the child or the public. The bill also provides for periodic review of the case. **H. 4871**, concerning abolishment of the Secretary of State's Office, divides the duties among the Governor's Office,

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and other state constitutional offices and agencies. The ministerial duties would be vested in the Governor's Office. The Department of Commerce would be responsible for chartering corporations and registering trademarks. Elections activities would become part of the State Election Commission, while regulation of charities would rest with the Attorney General's Office along with duties related to service of process for out of state corporations. Savings are expected to be \$300,000 annually.

recalled

H. 4340 was recalled from the Agriculture, Natural Resources, and Environmental Affairs Committee. The measure provides for a special guest fishing license, permitting fishing from inland docks only by a person who does not have a current fishing license. The license would cost property owners fifty dollars (\$50) annually, and would allow an authorized person without a license to fish from the dock.

SENATE

conference committee appointed

Senator Joe Wilson has been appointed to replace former Senator Sam Stilwell on the conference committee for S. 90. Ironically, Senator Stilwell had been named last year to replace Senator John Courson on that same conference committee. The bill concerns armed robbery, and end extends the offense to include a case where an offender claims to have a weapon but does not.

S. 1101 requires that members of voter registration boards, and election and registration commissions must complete training and pass an examination by the State Election Commission within eighteen months after election. The measure also changes appointment procedures for poll managers and clerks. Senators Don Holland, John Matthews, and Glen McConnell are the Senate conferees for this bill.

Concerning the sale of nonowner-occupied real estate for delinquent taxes, S. 699 increases the interest rate from eight to twelve per cent during the final six months of the redemption period. Owners must be notified in writing of the sale. Also, no county officials or their families would be allowed to participate in the sale for personal gain. Senators Tom Alexander, Larry Martin, and Larry Richter were appointed to the conference committee on this bill.

Originally H. 3901 was the House version enacting the same proposal. However, the bill was amended to address local government tax caps and property tax relief instead. Voters would be asked whether to raise the sales tax by a penny. The House wants to use the extra cent to eliminate property taxes on vehicles, but the Senate proposes wiping out all property taxes. Senators proposed a higher depreciation rate for manufacturers, and a tax break for the elderly and low income, which the House did not suggest. Representatives wanted to require a supermajority vote to raise taxes, but did not call for a referendum to adopt this provision as the Senate did. Both versions support a three per cent tax on accommodations and a one per cent tax on meals.

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Senators Glen McConnell, Tom Moore, and Ernie Passailaigue were appointed to the conference committee on this bill.

concurrence in House amendments, to be ratified

H. 3320 enacts the "South Carolina Personal Watercraft and Boating Safety Act of 1996." The bill provides that a person under sixteen years old may operate a jet ski only if he has completed a water safety program, or is accompanied by someone eighteen years old or older. Jet skis may not be operated between sunset and sunrise. Also, a jet ski is prohibited from jumping a wake within two hundred feet of another watercraft. Anyone on a jet ski must wear a life preserver, and no one may be towed by a jet ski. Violations are misdemeanors punishable by a fine of fifty to three hundred dollars (\$50-\$300).

received third reading, to be ratified

H. 3229 makes it a felony for a person at least eighteen years old to use, solicit, induce, coerce, or employ a person under eighteen years old to commit a violent crime or to distribute drugs. Violators would be subject to a sentence of five to fifteen years for each separate offense. H. 3742 increases the maximum fine for practicing dentistry without a license from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000). These fines would be remitted to the State General Fund.

received third reading, amended, returned to the House for concurrence

As originally drafted, H. 3170 called for a study of the financial feasibility of allowing state employees to retire after twenty-five years of service regardless of their age. Currently state employees may retire with thirty years of service at age fifty-five or older. However, this language was removed from the joint resolution when it was amended by the Senate last week. Now the measure limits bonds issued by the Budget and Control Board (B&C) to \$30 million dollars over the next eight months. That money could be used only for renovations to the State House. The joint resolution also requires that the debt be retired from surplus or reserve fund appropriations authorized for that project during fiscal 1996-97. H. 3746 authorizes muzzleloader hunts in Game Zone 2. H. 4159 originally prohibited the distribution of Bingo profits to out-of-state charities. The bill was amended by the Senate to completely rewrite Bingo regulations so that it is now similar to H. 4557. H. 4585 provides that no insurance policy containing drug coverage shall exclude experimental drugs used in treating cancer which have not been specifically approved for that purpose by the federal Food and Drug Administration (FDA) when these drugs have been advocated as successful treatments by at least two medical journals. The bill was amended in the Senate to require payment for drugs used in organ transplantation treatment as well. H. 4701 authorizes financial institutions to open new accounts at public events such as trade shows, and at businesses such as grocery stores. The Senate amendment concerns examination fees charged by financial institutions. H. 4801 provides that a candidate who has a current statement of

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economic interest on file with his supervisory office does not have to file a similar statement when declaring his candidacy or submitting a petition for nomination.

received third reading, sent to the House for consideration

S. 480 requires accident and health insurance policies to provide payment for services of several licensed professionals-- a master social worker, an independent social worker, a marriage and family therapist, a professional counselor, and a psychiatric clinical nurse specialist. **S. 556** calls for a voter referendum to amend the State Constitution to allow a person not yet eighteen years old, but who would become eighteen years old before the next general election, to register to vote in that election. **S. 583** bypasses the referendum to make it easier for a person not yet eighteen years old, but who will become eighteen years old before the next election, to register to vote. **S. 562** transfers certain powers of the county legislative delegation to county governing bodies upon mutual approval and notification of the Code Commissioner. **S. 604** provides that passenger vans owned or operated by local chapters of the National Federation of the Blind must be insured minimally at the same rates as any comparable fifteen passenger church van. **S. 704** provides that trespassing upon railroad tracks is a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. This measure is similar to **H. 4498** which was recommitted to the House Judiciary Committee last week. **S. 739** permits a federal law enforcement officer to enforce state criminal laws under certain circumstances. The bill also prohibits a federal law enforcement officer from conducting an independent investigation into a violation of state law, and provides that he is subject to the federal Tort Claims Act. **S. 776** provides for the types of hearings at which an interpreter for the deaf must be provided. **S. 777** authorizes a retired magistrate, regardless of his age, to be appointed temporarily as a magistrate when needed. **S. 778** provides that a person charged with committing a lewd act upon a child under fourteen years old may not apply for a pretrial intervention program. **S. 862** recognizes the Chicora-Waccamaw Indian Tribe and the Pee Dee Indian Tribe, and confers upon these tribes such rights and privileges as are provided by law to Indian tribes. A similar measure concerning the Catawba Indian Tribe resulted in a \$12.5 million dollar settlement with that tribe. This bill is similar to **H. 4245** which is up for second reading in the House this week. **S. 929** provides that when one municipality annexes property in another municipality, their governing bodies, after a public hearing, stipulate and adjust boundaries by mutually adopting an ordinance. **S. 943** provides for a referendum asking whether a person convicted of a felony, federal law, or election law offense, should be prohibited from being elected as a judge until fifteen years after completion of the sentence. **S. 1013** provides that a live animal may not be given as a prize for, or inducement to enter, a game, contest or place of amusement. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine not to exceed three hundred dollars (\$300), a sentence of not more than thirty days, or both. However, the raffling of animals still would be allowed. This bill is similar to **H. 4651**, which is on the contested calendar for second reading in the House. **S. 1037** reduces the penalty for preventing a child from attending school. A first offense is subject to a fine of not less than five hundred dollars (\$500), a sentence of not less than thirty days, or both. The current penalty of a fine of not less than one thousand dollars (\$1,000), a sentence of not less than two years, or both, would become the penalty for a second or subsequent offense. **S. 1047** provides that the release of a person accused of a violent crime would constitute an unreasonable danger to the community.

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S. 1049 adds a member as a victim representative to the South Carolina Public Safety Coordinating Council. The additional member would be appointed by the governor for a term of four years. **S. 1050** provides for a voter referendum to enact the "Victims' Bill of Rights." The proposed legislation strives to protect victims' right to justice and due process. It authorizes victims to receive pertinent information concerning their cases. They would be allowed to be present and speak at proceedings, and would receive restitution from their perpetrators. The joint resolution also provides that bail may be denied to a person charged with a violent offense.

S. 1051 provides that a parent may be subject to criminal penalty for improper supervision of a minor if his child is charged with a criminal act in which neglect is a proximate cause of the delinquency. Parents also are made a party to the criminal action involving the child, and are required to appear in court with the child. Family Court is given exclusive jurisdiction over these cases. **S. 1073** increases the fine for a first offense of stealing electricity from one hundred (\$100) to five hundred dollars (\$500). It also adds a second or subsequent offense of stealing electricity, which would be a misdemeanor punishable by a fine of not more than ten thousand dollars (\$10,000), a sentence of not more than three years, or both. **S. 1122** extends through July 1, 1996 the deadline for applying for agricultural use valuation for property tax year 1995. **S. 1123** provides that a resident of any state may purchase a shotgun or rifle in South Carolina. **S. 1124** revises the age of a victim of homicide by child abuse. Currently the victim must be under eleven years old. The bill provides that anyone under eighteen years old may be a victim of homicide by child abuse. **S. 1125** provides that a victim impact statement may be considered during sentencing or a disposition hearing in family court. The bill also requires that a copy of the statement be forwarded to the Board of Juvenile Parole. **S. 1147** provides that video rental merchants must send notice by certified mail to persons failing to return videos on time, and wait five days before a warrant may be issued for larceny. **S. 1152** revises the age of a victim of a lewd act upon a minor. Currently victims must be under fourteen years old. The bill increases that to under sixteen years old instead. **S. 1176** enacts the "South Carolina Credit Union Act of 1996." The proposed legislation provides for the supervision and regulation of these financial institutions. **S. 1197** requires nonresident owning or operating shad nets in the Savannah River to be licensed. Violators would be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) or a sentence of not more than thirty days. Other measures included in the bill revise several current fishing and wildlife provisions, such as licensing and the hunter education program. **S. 1198** provides that county governing bodies may limit the duties of county code enforcement officers. **S. 1219** authorizes school districts to begin offering a voluntary full-day kindergarten program for five year olds beginning with school year 1996-97. Districts would not have to provide matching funds for the program. For the first year, parents of eligible students would have to notify districts by July 15, 1996. **S. 1226** enacts the "Alzheimer's Special Care Disclosure Act." The bill requires any facility licensed to offer an Alzheimer's special care unit to include in its policies and procedures the specific form of care provided specific to treatment of Alzheimer's Disease. This measure is similar to H. 4702 which has passed the House and been assigned to the Senate Medical Affairs Committee. **S. 1235** allows expungement of offenses tried in family court from a minor's records. **S. 1248** authorizes the State Board of Barber Examiners to grant variances from regulations to a barbershop owner, or barber school or college. **S. 1284** authorizes the placement of a child in a secure juvenile detention facility when no suitable alternative exists, or when it is deemed that placement is in the child's best interest or is necessary to protect either the child or the public. The bill also specifies the time frame for review, and expands the circumstances under which the Department of Juvenile Justice may fingerprint and photograph

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a juvenile. This measure, minus the fingerprinting provision, is similar to H. 4818 which was passed by the House last week and sent to the Senate. S. 1293 provides that a crime victim shall receive a free copy of the incident report pertaining to his case. The bill also addresses restitution hearings and payments. This bill is similar to H. 4657 which was reported favorably by the House Judiciary Committee last week. S. 1298 provides that all vote recorder voting systems must produce and transmit an electronic file containing election results as prescribed by the State Election Commission. S. 1305 reforms property insurance problems coastal landowners have experienced. The measure provides that premium rates may not increase more than once every six months. This bill is similar to H. 4865 which was passed by the House last week and sent to the Senate for consideration. S. 1306 expands the circumstances under which an officer of the Department of Natural Resources may issue an official summons. The measure also provides that the summons is considered a receipt for any fine deposited with the officer. S. 1311 revises provisions for issuing a temporary retail liquor license. It also provides that a temporary license may not be issued to a business determined to be a public nuisance. S. 1335 enacts the "Southern Regional Emergency Management Assistance Compact" to provide technical help and training between member states in managing emergencies or disasters declared by the governor of the affected state. S. 1358 provides that the Department of Revenue will administer provisions of the "Uniform Unclaimed Property Act" rather than the State Treasurer. S. 1361 repeals risk classifications and territories for auto insurance. Rather than promulgated in its agency regulation, the Department of Insurance says these plans should be established by order instead. A similar bill, H. 4956, passed the House and was assigned to the Senate Banking and Insurance Committee last week. S. 1366 provides that a carrier of household goods or hazardous waste for disposal who violates certification and registration requirements is guilty of a misdemeanor.

received second reading

S. 660 enacts the "Driver's Privacy Protection Act." Concerning material exempted from the Freedom of Information Act (FOI), the measure contains provisions restricting release of personal information relating to motor vehicle registration records. S. 774 provides that the five per cent surcharge on rental vehicles is a sales tax which must be kept in a segregated fund. This revenue is not subject to creditor liens by the owner or rental company. S. 1100 requires that the Secretary of State monitor all elected or appointed state boards, commissions, and judicial offices to determine when vacancies occur. The measure also requires that the Secretary of State publicize these vacancies, and a that person not seeking re-election notify the joint committee to review candidates at least thirty days prior to the last filing day for that office or position. S. 1173 provides that driving with an expired license plate is illegal, and subject to the same penalty as driving without a tag. Violators may be fined up to one hundred dollars (\$100), or imprisoned up to thirty days. S. 1255 establishes deer hunting season in Game Zone 5. S. 1260, relating to the transfer of a domestic animal to an animal shelter, provides that the person boarding the animal must notify the owner of the impending transfer by certified mail within ten days of the date the animal was to have been picked up. The measure also provides that an owner who abandons an animal and refuses to pay boarding fees is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. S. 1261 increases the maximum fine for a first offense of ill-treatment of animal from four hundred dollars (\$400) to five hundred dollars (\$500), and provides that offenders may be subject to both a fine

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of one hundred (\$100) to four hundred dollars (\$400) and a sentence of up to sixty days. The bill makes a second offense a felony which may be tried in municipal court. It also increases the maximum sentence from two years to five years, and the maximum fine from two thousand dollars (\$2,000) to five thousand dollars (\$5,000). The measure provides that animal cruelty is a felony instead of a misdemeanor. It increases the sentence from two years to five years, and provides that penalties are not mandatory. Another provision deletes the exemption that the section does not apply to fowl. S. 1263 revises animal cruelty laws, and provides that offenses may be tried in municipal court as well as magistrate's court. The measure deletes the requirement that fowl are not included in the provisions, and requires that an offender forfeit ownership of the animal and pay medical and boarding expenses. S. 1266 prohibits the Department of Natural Resources from providing a break in deer hunting season on private lands in Game Zone 4. Nor may the Department close any part of the deer season in which firearms are allowed on private lands in that game zone. S. 1395 provides that municipalities which did not adopt one of four specified forms of government within fifteen months of December 31, 1977, are considered to have forfeited their articles of incorporation. These articles of incorporation would not be reinstated until the municipalities certify to the Secretary of State which form of government has been adopted. H. 3140 originally deleted the requirement that the State Board of Voting Machine Commissioners furnish a model at each polling place to teach voters how to use voting machines. The bill was amended to allow for illustrations in the place of machines. H. 3228 provides that both custodial and noncustodial parents have the right to participate in their children's school activities unless prohibited by a court order. H. 3268 provides that the murder of a witness during any stage of the criminal process, is an aggravating circumstance which may result in the death penalty. H. 3566 enacts the Juvenile Justice Code by consolidating various provisions into a single article. H. 3624 enacts the "South Carolina Environmental Audit and Disclosure Immunity Act of 1996." The bill is designed to increase voluntary compliance with environmental laws by providing companies with confidentiality for disclosure and limited protection from penalties. Under the measure, companies could seal some internal audits. H. 3710 provides for a two year phase-in of a sales tax exemption for machinery used in recycling. H. 3838, concerning workers' compensation, originally provided for a presumption of total and permanent disability in cases where there is a fifty per cent or more loss of the use of the back. The bill was amended to become a broader revision of workers' compensation laws. It provides that in most cases work-related stress unaccompanied by physical injury is not compensable, and establishes terms under which temporary disability payments may be terminated. H. 3858 authorizes family court judges to suspend or restrict the driver's license of a juvenile offender. H. 3864, concerning bankruptcy, is a technical revision deleting a reference to the Federal Bankruptcy Reform Act. H. 4341 authorizes the court to order a juvenile delinquent's parents to reimburse the court-appointed attorney or the indigent defense fund. H. 4382, concerning a required statement regarding orders for protection from domestic abuse, makes a technical revision reflecting the fine increase from two hundred (\$200) to five hundred (\$500) dollars. H. 4407 adds a member to the Board of Commissioners of the School for the Deaf and the Blind. This at-large member would be appointed by the Governor to represent the public. Senators amended H. 4434 to provide that a person's driver's license is permanently revoked after a fifth driving under the influence (DUI) offense, rather than after the third as the House adopted; however, the reinstatement process was not changed. To apply for a one-time only driver's license reinstatement, a person must have had no violations during the preceding five years, completed a drug treatment program, and paid a fifty dollar (\$50) fee. H. 4490, concerning auto insurance, repeals the mandate to write physical damage coverage

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for safe drivers in order to reduce Reinsurance Facility rates. Savings would not be realized for about eighteen months. H. 4716 provides that agreements between a beer wholesaler and an importer of beer produced outside of the United States is binding on any successor importer of beer produced by that foreign brewer. H. 4727 prohibits keeping striped bass, or rockfish, less twenty-one inches long when fishing in certain rivers and their tributaries. H. 4751 approves regulations of the Medicaid program which stipulate that hearing provisions in the affected section apply only to post-payment reviews of Medicaid providers which are conducted by the Department of Health and Human Services' (DHHS) Bureau of Medicaid Program Assessment, rather than to any other overpayments identified by the agency. H. 4830 enacts the "Uniform Limited Liability Company Act." The bill revises state guidelines for limited liability companies, and conforms these guidelines to recent federal regulatory changes. It also permits for disclosure of taxpayer records to the Secretary of State under certain conditions.

special order

H. 3730 was set for special order last week. The bill enacts the "Law Abiding Citizens Self-Defense Act of 1995." It authorizes certain individuals to carry concealed weapons after taking a handgun education course and paying a fifty dollar (\$50) application fee. An attempt to set S. 1188 for special order failed. That bill concerns term limits for politicians and judges, shortens the legislative session, and provides for initiative petition by voters. An attempt to set H. 3281, the House version of term limits, also failed.

recommitted

S. 1063 enacts the "Omnibus Highway Safety Act." It provides for a six month suspension of the driver's license of a person under twenty-one years old who is convicted of driving under the influence (DUI) with a blood alcohol content (BAC) over two one hundredths of one per cent (.02%). Although the blood test would be voluntary, refusal to take the test would result in an automatic six month driver's license suspension. The measure also contains a provision allowing enforcement of safety belt violations in the absence of other violations. In addition, the fine for this offense would be increased from ten dollars (\$10) to twenty-five dollars (\$25). Senators recommitted this bill to the Judiciary Committee last week. S. 1337 enacts the "Uniform Limited Liability Company Act of 1996." The bill revises state guidelines for limited liability companies, and conforms those guidelines to recent federal regulatory changes. It also permits disclosure of taxpayer records to the Secretary of State under certain conditions. This measure also was recommitted to the Senate Judiciary Committee last week, since the House version of the proposed legislation, H. 4830, was recalled from that committee and received second reading.

recalled

S. 1173 provides that driving with an expired license plate is illegal and subject to the same penalty as driving without a tag. Violators may be fined up to one hundred dollars (\$100), or

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imprisoned up to thirty days. This bill was recalled from the Senate Transportation Committee last week and received second reading. **H. 3170**, as recalled from the Senate Finance Committee last week, called for a study of the financial feasibility of allowing state employees to retire after twenty-five years of service, regardless of their age. However, the joint resolution was amended by the Senate to limit the amount of bonds issued by the Budget and Control Board (B&C) to \$30 million dollars over the next eight months. That money could be used only for renovations to the State House. The measure also requires that the debt be retired from surplus or reserve appropriations authorized for that project during fiscal 1996-97. The Senate passed the proposed legislation last week, and returned the measure to the House for concurrence in the amendment. **H. 4430**, enacting the "School Crime Report Act," was recalled from the Senate Education Committee last week. The bill provides that all school-related crime be reported to the Attorney General's Office. The measure also authorizes the expulsion of students convicted of violent crimes, and provides that the Attorney General may represent local school districts in appeals courts. **H. 4681** was recalled from the Senate Finance Committee last week. The bill provides that a South Carolina Business Development Corporation and its securities are exempt from corporate license taxes and fees. It also expands the sources from which such a corporation may borrow money, and deletes the requirement that its loans bear a particular interest rate. **H. 4830** enacts the "Uniform Liability Company Act of 1996." The measure revises guidelines for limited liability companies, and conforms those guidelines to recent federal regulatory changes. It also permits disclosure of taxpayer records to the Secretary of State under certain conditions. The proposed legislation was recalled from the Senate Judiciary Committee last week also, and received second reading.

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COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet last. The Agriculture subcommittee was scheduled to meet; however, due to lengthy debate on the House floor last week, the meeting was canceled and has not been rescheduled this week.

EDUCATION AND PUBLIC WORKS

The Intermodal Transportation Subcommittee amended and gave a favorable report to **H. 4838**, a joint resolution which allows a motor vehicle driver who commits a traffic violation in another state to produce a canceled check as sufficient evidence of satisfaction of an out of state violation.

The full Education and Public Works Committee gave a favorable report to the amended **H. 4838** mentioned above. The full committee also reported favorably on the following legislation: **H. 4012** which allows log transport trucks to operate at night and subjects the vehicles to the scrutiny of the Department of Public Safety's Transportation Police; **H. 4394**, as amended, which requires the State Department of Education to provide training in conflict resolution which districts may opt to attend; and, **S. 1195**, the Higher Education Accountability Act, as amended to conform to the House version, **H. 4637**.

JUDICIARY

Committee members reported favorably on six bills last week. **H. 4522** prohibits the clerk of court from charging a fee for filing a petition for an order for protection from domestic abuse. The bill also provides that no mutual order of protection may be granted unless both parties consent, or the court believes there is need for such an order. This bill also received second reading in the House last week. **H. 4657** authorizes a crime victim to receive a free copy of the incident report relating to his case. The ten dollar (\$10) fee for this report will be paid by the offender. The measure also strengthens restitution requirements and collection procedures, as well as permits the Attorney General to be present at restitution hearings. A similar bill, **S. 1293**, was passed by the Senate last week. **H. 4670**, relating to unlawful neglect of children and helpless persons, expands the categories of persons caring for children and helpless persons to include persons living in caretakers' homes and/or having recurring access. Also included are those who have been given responsibility for supervision of children or helpless persons. This bill received second reading in the House last week as well. **H. 4712** increases the penalty for a third or subsequent offense of cruelty to animals. Currently an offender may be fined up to two thousand dollars (\$2,000) and imprisoned up to two years. The bill makes third and subsequent offenses a misdemeanor subject to a fine of not more than five thousand dollars (\$5,000) and a sentence of not more than three years. A similar bill, **S. 1263**, received second reading in the Senate last

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week. **H. 4884**, as amended by the Judiciary Committee, provides that it is unlawful for an inmate to tell another person that he plans to commit a violent crime when released. A person who does so must be imprisoned for not more than ten years. **H. 4959** concerns the misdemeanor of sexual misconduct with a minor in the second degree. Originally the bill provided that a person must knowingly engage in sexual battery of a minor fourteen to sixteen years old to be guilty. The committee deleted the word "knowingly" from the measure. The bill also more narrowly defines "older" as not less than four years older. It addresses cases of consensual sexual battery by providing that the actor is not more than four years older than the victim, nor is related to the victim. A person convicted of consensual sexual battery must be imprisoned not more than three years.

Also, the Judiciary Committee recommitted **H. 4742** to the Election Laws Subcommittee. The bill authorizes voter registration at institutions of higher learning. Students would be able to register to vote when they register for classes, and at other times as well.

LABOR, COMMERCE, AND INDUSTRY

The Labor and Commerce Subcommittee amended and gave a favorable report to **S. 1054**, a bill which allows joint power agencies to sell excess power wholesale and build distribution projects without approval from the Public Service Commission. Previously, the subcommittee had refused to report favorably on these changes as contained in **H. 4467**. **S. 1054** won approval by means of compromise amendments which cap a joint power agency's ability to sell power wholesale and place limits on the types of distribution projects which may be built absent PSC approval. The Subcommittee recommended tabling **S. 1269**, a bill which would give the Secretary of State discretion in renewing the license for a private personnel agency after the renewal deadline is passed.

The full Labor, Commerce and Industry Committee gave favorable reports to the following bills, as amended: **H. 4861** creates the Real Estate Commission under the administration of the Department of Labor, Licensing, and Regulation. **H. 4545** revises the way in which an electric utility calculates its fuel costs. **H. 4686**, "The South Carolina Credit Union Act of 1996," effectually establishes parity between state and federal credit unions, preserving state chartered credit unions and updating the law governing their activities. **H. 4795** requires that attorney preference be obtained in loan transactions secured by real estate. **H. 4782** pertains to registered mortgage loan brokers, shielding such brokers from civil liability for third party violations of the Federal Truth in Lending Act, and establishing provisions for satellite offices and registration fees. **S. 1043** requires health insurers to provide coverage for a hospital stay of up to two days following a mother's vaginal delivery or up to three days following a caesarian section. **S. 642**, "The Motor Vehicle Financial Responsibility Act," alters renewal procedures for self-insurer certification for those possessing more than twenty-five vehicles (i.e. taxi companies). The full committee gave a majority favorable, minority unfavorable report to **H. 4902**, "The South Carolina Transportation Infrastructure Bank Act," which creates the bank to make loans and provide other financial assistance to public and private entities constructing and improving highway and other public transportation facilities. The committee recommended approval for **R. 1910**, a regulation proposed by the Commissioners of Pilotage for the Port of Charleston to enhance the authority of

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a bar and harbor pilot in a docking maneuver. The committee tabled **H. 4781**, a bill which organizes professional and occupational boards under a uniform framework.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee amended and gave a favorable report to **H. 4788** which establishes conditions under which a patient may receive treatment from a physical therapist without first receiving a referral from a doctor or dentist. In addition to the limits imposed by the subcommittee, amendments adopted by the full committee set maximum time limits after which physical therapists must refer their patients to physicians. Also, a physical therapist would not be able to treat a back or neck injury absent a doctor's referral. Lastly, a physical therapist must have recommendations from two physicians before he is granted the privilege of practicing without a prescription. The committee also gave favorable reports to the following bills: **S. 21**, as amended, legalizes the practice of tattooing for non-medical purposes. **H. 4765**, as amended, updates the state's controlled substance schedule for depressant drugs, bringing the law into conformity with Federal Drug Administration standards. **S. 501** requires a municipality or county to give a two-week notice before adopting an ordinance imposing a moratorium on a construction project for which a permit has been granted.

WAYS AND MEANS

Committee members reported favorably on three bills last week. **S. 273** provides that surviving spouses of law enforcement officers killed while on duty shall receive the same property tax exemption as surviving spouses of servicemen killed in the line of duty. The measure reduces local property tax revenue by less than \$50,000 annually. It received final reading in the House last week also, and has been enrolled for ratification. **S. 571** concerns sales tax exemption certificates used in making various tax exempt purchases. The bill deletes the requirement that the purchaser sign the invoice, and provides for this to become effective as of January 1, 1995. An amendment adopted by the committee also repeals numerous sections of the laws, including those concerning tax exempt items such as government issues and agricultural products. **H. 4848** provides that the five per cent surcharge on rental vehicles is a sales tax. This money must be deposited into a segregated account when collected. The measure also provides that these surcharges belong to the State, and are not subject to creditor liens. Rental companies would not be liable for monies paid, relating to surcharges, to an airport or other authority between June 30, 1993 and the effective date of the act. This proposed legislation would apply only to rental vehicles, not leased vehicles. A similar bill, **S. 774**, received second reading in the Senate last week.

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BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

No bills were assigned to this committee last week.

EDUCATION AND PUBLIC WORKS

S. 1219 FULL-DAY KINDERGARTEN Senate Education Committee

This bill requires public school districts to begin offering in the upcoming school year optional full-day kindergarten programs in addition to their optional half-day programs. School districts unable to comply by the deadline may obtain waivers.

JUDICIARY

S. 1037 TRUANCY Sen. Leventis

The measure reduces the penalty for preventing a child from attending school. A first offense would be subject to a fine of not less than five hundred dollars (\$500), a sentence of not less than thirty days, or both. The current penalty of a fine of not less than one thousand dollars (\$1,000), a sentence of not less than two years, or both, would become the penalty for a second or subsequent offense.

S. 1051 IMPROPER SUPERVISION OF A MINOR Sen. Bryan

The proposed legislation provides that a parent may be subject to criminal penalty for improper supervision of a minor if his child is charged with a criminal act in which neglect is a proximate cause of the delinquency. Parents also are made party to the criminal action involving the child, and are required to appear in court with the child. Family Court is given exclusive jurisdiction over these cases.

S. 1124 HOMICIDE BY CHILD ABUSE Sen. Fair

Under current law, a victim of homicide by child abuse must be eleven years old or younger. This bill provides that victims may be eighteen years old or younger.

S. 1152 LEWD ACTS UPON MINORS Sen. Fair

Concerning lewd acts upon minors, the measure revises the age of victims. Currently victims must be under fourteen years old. The bill provides that anyone under sixteen years old may be the victim of such a crime.

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H. 4972 LICENSE REQUIREMENTS FOR HOME HEALTH AGENCIES Rep. Neal

The bill prohibits issuing a license to a home health agency if the owner or an employee has been convicted of a certain crime. The measure also requires that an applicant or employee undergo state and federal fingerprint reviews.

LABOR, COMMERCE, AND INDUSTRY

S. 604 INSURING VANS FOR THE FEDERATION FOR THE BLIND Sen. Giese

This bill provides that passenger vans used by local chapters of the National Federation for the Blind must be insured for minimum automobile insurance at the same rates as any comparable state agency van.

S. 1176 "SOUTH CAROLINA CREDIT UNION OF 1996" Sen. Hayes

This bill provides for the organization, operation, and supervision of cooperative nonprofit thrift and credit associations known as credit unions.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

No bills were assigned to this committee last week.

WAYS AND MEANS

H. 4971 VEHICLE PROPERTY TAXES Rep. Koon

The bill provides the same property tax discount for domestic and foreign vehicles with high mileage. Currently domestic vehicles with high mileage receive a greater discount.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page. Click on the "Quick-Find Guide" on the first page. On the next page, click on "Reports." This will list all of the Legislative Updates by week. Click on the week you need.

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